

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

GARVESTER BRACKEN,

Plaintiff,

V.

STATE OF MISSOURI, et al,

Defendant.

No. 4:24-cv-00586-MTS

## MEMORANDUM AND ORDER

This matter is before the Court on self-represented plaintiff Garvester Bracken’s “Application to Proceed in District Court without Prepaying Fees or Costs,” which the Court construes as a motion for leave to proceed in forma pauperis. Doc. [2]. Because plaintiff’s motion is deficient in that it does not include a certified prison account statement, the Court will deny the present motion and allow plaintiff to amend.

Under 28 U.S.C. § 1915(b)(1), a prisoner bringing a civil action in forma pauperis must pay the full amount of the filing fee. If the prisoner has insufficient funds in his or her prison account to pay the entire fee, the Court will assess an initial partial filing fee equal to the greater of either: (1) 20 percent of the average monthly deposits in the prisoner's account for the six months immediately preceding the filing of the lawsuit, or (2) 20 percent of the average monthly balance in the prisoner's account over the same six-month period. 28 U.S.C. § 1915(b)(1). After payment of the initial partial filing fee, the prisoner must make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. 28 U.S.C. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court

each time the amount in the prisoner's account exceeds \$10, until the prisoner has paid the fee in full. *Id.*

Plaintiff filed this action on April 24, 2024. He has not submitted a certified inmate account statement accompanying his motion to proceed in forma pauperis which covers the six-month period immediately preceding the filing of the complaint. *See* 28 U.S.C. § 1915(a)(2). For this reason, the Court will order plaintiff to file an amended motion for leave to proceed in forma pauperis using the Court-provided form within twenty-one (21) days of the date of this Order with an accompanying certified prison account statement.

Accordingly,

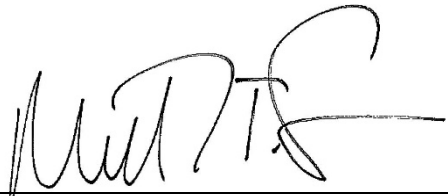
**IT IS HEREBY ORDERED** that plaintiff's motion for leave to proceed in forma pauperis, Doc. [2], is **DENIED** without prejudice to filing an amended and complete motion for leave to proceed in forma pauperis which includes a certified inmate account statement from the Missouri Department of Corrections.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mail to plaintiff a copy of the Court's Application to Proceed in District Court without Prepaying Fees or Costs.

**IT IS FURTHER ORDERED** that within **twenty-one (21) days** of the date of this Order, plaintiff shall submit a completed Application to Proceed in District Court without Prepaying Fees along with a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the complaint. Plaintiff must complete the Application in full.

**IT IS FURTHER ORDERED** that if plaintiff fails to timely comply with this Memorandum and Order, the Court will dismiss this action without prejudice and without further notice.

Dated this 30th day of April, 2024.



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MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE